

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAMES R. BLACKMON, JUSTIN M.
ROZELLE, ERIC A. MYERS, JARED
MUNSON,

Plaintiffs,

VS.

ZACHARY HOLDINGS, INC., CHIEF
EXECUTIVE OFFICER OF ZACHARY
HOLDINGS, INC., THE
COMPENSATION AND BENEFITS
COMMITTEE OF ZACHARY
HOLDINGS, INC., JOHN DOES 1-10,
WHOSE NAMES ARE CURRENTLY
UNKNOWN;

Defendants.

SA-20-CV-00988-DAE

ORDER

Before the Court is the above-styled cause of action, which was referred to the undersigned to discuss the parties' disagreements regarding the entry of a Scheduling Order in this case [#21]. On this day, the Court held a telephonic conference, at which all parties appeared through counsel, to address the scheduling issues.

This is complex ERISA class action implicating thousands of potential class members over a six-year period. There is a motion to dismiss pending. Plaintiffs propose that phased discovery begin immediately, and Defendants ask the Court to stay discovery pending a ruling on their motion to dismiss. After considering the arguments of counsel and the procedural posture of this case, the Court now issues the following orders:

IT IS THEREFORE ORDERED that the parties exchange initial disclosures as required under Rule 26 and engage in the agreed Phase I discovery discussed during the conference. If the motion to dismiss is still pending after 90 days, the parties are instructed to

file an advisory with the Court as to whether they have reached agreements as to additional discovery that can be conducted or whether another scheduling conference is necessary to address the next phase of this case. If the motion to dismiss is denied in whole or in part within this 90-day period, the parties are ordered to confer and file proposed scheduling recommendations to control the remainder of this case.

SIGNED this 5th day of February, 2021.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE